

CRM-M-43356-2023
CRM-M-47702-2023 &
CRM-M-49909-2023

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2024:PHHC:044251

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of decision : 21.03.2024

1. CRM-M-43356-2023

Phool Kumar Petitioner

versus

State of Punjab Respondent

2. CRM-M-47702-2023

Naveen Chaudhary Petitioner

versus

State of Punjab Respondent

3. CRM-M-49909-2023

Vinod Kumar Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Pratham Sethi, Advocate
for the petitioner(s).

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. Kanhiya Soni, Advocate
for the complainant.

PANKAJ JAIN, J. (Oral)

1. The afore-captioned petitions have been filed by the
petitioners under Section 438 Cr.P.C. seeking grant of pre-arrest bail in
case FIR No.230 dated 18.07.2023, registered for the offences punishable

under Sections 420, 447, 511 and 120-B of IPC, 1860 at Police Station Dera Bassi, District SAS Nagar (Mohali).

2. All the matters involve similar allegations, thus the same are being disposed off by a common order.

3. FIR was registered on the information supplied by Dr. Suresh Kumar Aggarwal claiming that he was running hospital under the name and style of Aggarwal Hospital at Derra Bassi. He was allured into partnership by accused Vinod Kumar and Phool Kumar, who had designs to take over the hospital of the complainant. Partnership deed was reduced into writing and the shares of each of the partners i.e. Dr. Suresh Kumar Aggarwal-the complainant, Vinod Kumar and Phool Kumar-the two accused were defined. Some money was spent on converting the hospital to a multi-speciality facility. A dispute was created by both Vinod Kumar and Phool Kumar and in order to get rid thereof, the petitioners agreed with them to sell the hospital. The parties agreed to sell hospital to the third party for Rs.1 Crore 20 lakhs. The complainant was to be paid his part of share i.e. 40 lakhs. Ajit @ Naveen issued a cheque bearing No.000002 on account No.2211238343090232. After the objection by the complainant, Vinod Kumar issued a cheque No.000036 for Rs.20 lakhs and the complainant was assured that he will be paid Rs.20 lakhs in cash on 12.06.2023. Third accused Ajit @ Naveen took the complainant and his son to Pankaj Aggarwal to Hisar for transfer of money to Vinod Kumar. Both father and son were threatened and when they came back to their hospital at Dera Bassi, they found that the accused have already removed the board of the hospital of the complainant and

have renamed the hospital as Neelkanth Healthcare Hospital. Hospital was locked and the complainant was not allowed to enter the same. On presentation, the cheque was also dishonoured for the reason 'payment stopped'. During enquiry, the police found that all the certificates with respect to Bio Medical Waste, NOC, X-Ray Machine and Wifi connections were in the name of the complainant and he has been illegally dispossessed, leading to registration of the FIR.

4. Learned senior counsel arguing for the petitioners-accused submits that it is purely a civil dispute arising out of commercial relationship between the parties which has been given cloak of criminal offence, thus, the petitioners are entitled for grant of pre-arrest bail.

5. During the course of hearing, counsel for the petitioner(s) time and again sought adjournment on the pretext that the matter is being settled. However, today Court has been informed that there are no chances of settlement.

6. I have heard counsel for the parties and have gone through the records of the case.

7. It is a case wherein an old medical professional who was running medical facility was allured into a partnership and thereafter has been brought on road by the accused by their illegal designs. The complainant was made to enter into a partnership on the pretext of turning the hospital from a simple hospital to a multi-speciality hospital. Dispute was created with respect to expenditure incurred. On the pretext of ending the dispute, an idea of selling the hospital to some third party was moved.

Third party is also none else, but backroom men of Phool Kumar and

Vinod Kumar only. They were called to Hisar under the pretext to make the payment and while they were away to Hisar expecting payment, the complainant was dispossessed and the hospital was illegally occupied. Even the character of the hospital was changed from Aggarwal Multi speciality Hospital to Neelkanth Healthcare Centre. A successful professional has been brought on road and nothing has been paid to him. The whole trick played by the accused show that they are in clouts and acted together. Ajit @ Naveen issued cheque of Rs.40 lakhs in favour of Vinod Kumar knowing well that there were three partners and Vinod Kumar was partner only to the extent of 25%. As a ploy to cheat the complainant, a cheque of Rs.20 lakhs was issued by Vinod Kumar which stands dishonoured for stoppage of payment. Meaning thereby, at the time the cheque was being issued Vinod Kumar knew what he was doing. Furthermore, Rs.20 lakhs was kept and complainant was assured that the same shall be paid in cash. On the pretext of paying him cash, he was called to Hisar and at his back, Naveen has occupied the hospital.

8. Pre-arrest bail is discretionary view and the Court while granting the same has to be alive to the allegations levelled against the accused.

9. Keeping in view the allegations levelled and the mode and manner in which an educated professional has been dispossessed from his running clinic, this Court does not find any reason to grant pre-arrest bail to the petitioners. Resultantly, the present petitions are ordered to be dismissed.

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10. A photocopy of this order be placed on the files of other connected cases.

(PANKAJ JAIN)
JUDGE

21.03.2024
Dinesh

Whether speaking/reasoned	Yes
Whether Reportable :	No